IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital the 21st day of July 2005
Third Bail Application No. 978 of 2004
Order on the bail application of accused.

CRIMINAL SIDE

Shamim Ahmad S/o Sh. Mansoor
Ahamad, R/o Village Sikrodha,
Police Station- Bhagwanpur,
District-Haridwar. ..... Applicant

Versus

State of Uttaranchal

.....Opposite Party.

Arising out of case crime No. 58/ 2003
U/s 363, 366-A, 376 I.P.C.
P.S. Jawalapur
District Haridwar.

By the Court

Hon'ble Irshad Hussain, J.

Heard Sri Parikshit Saini, learned counsel for the applicant and Sh. D.K. Sharma, learned G.A. for the State.

2- This is third bail application. The only ground taken is that the Sessions Trial No. 75/2004 State vs. Shamim Ahmad has not been disposed of as was directed by the court. The direction was merely for expeditious disposal of the trial and for this a time frame was also fixed and if the trial has not been concluded during that period, it will not make a ground for ganging the bail for the deceased. In my view the same is not a new ground for bail and the third bail application is dismissed.

3- The learned counsel pointed out that the court is vacant in which the sessions trial is pending and few witnesses have already been examined. Considering this, the learned Sessions Judge, Haridwar shall take note of it and may transfer the sessions trial to another court so that the trial may be disposed of accordingly to law.

4- Let copy of the order be sent to the Sessions Judge, Haridwar for compliance.

(Irshad Hussain, J.)

Dt: 21-7-2005
ISB